IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 950 OF 1983

Vijay Tanks and Vessels P.Ltd. . ... Plaintiff
VS.
Rashtriya Chemicals and Fertilizers Ltd. ... Defendant

Mr. Subodh Joshi i/b. Pandit & Pandit for Plaintiff .
Ms. Cyew Ardeshir with M . S. Kapadia i/b. Pandya Gandhy & Co., for Defendant .

CORAM: **D.G. KARNIK J**.

DATE: 15/6/2006

P.C.:

1. Learned counsel for Defendant orally prays permission to file written statement. Learned counsel for the Plaintiff strongly opposes and invites my attention to the decision of the Supreme Court rendered in Kailash vs. Nanhku and ors. reported in 2005 (2) Mh. L. J. 775 in which it is laid down that such oral request should not be entertained. The Defendant has not made out any reason for condonation of delay nor has filed any affidavit. In these circumstances the oral by the Defendant for permission to file written statement is rejected.

2. Learned counsel for the Plaintiff prays relief in terms of

prayer clause (b) of the plaint. Prayer (b) is for money decree. In view of the provisions of Order 8 Rule 10 of C.P.C. , the suit of the Plaintiff is decreed in in the sum of Rs.42,28,100/- being the principal amount claimed together with interest thereon at the rate of 6% per annum from the date of filing of the suit till payment and realization.

3. At the request of the learned counsel for the Defendant the operation of this order is stayed for 8 weeks.

(D.G. KARNIK J.)